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ACACIA MEDIA TECHNOLOGIES CORPORATION

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re ACACIA MEDIA TECHNOLOGIES CORPORATION	Case No. 05 CV 01114 JW **[PROPOSED] ORDER GRANTING PLAINTIFF ACACIA MEDIA TECHNOLOGIES CORPORATION'S MOTION FOR RECONSIDERATION OF CERTAIN CLAIM CONSTRUCTION TERMS CONSTRUED BY THE COURT IN ITS THIRD CLAIM CONSTRUCTION ORDER AND ITS FOURTH CLAIM CONSTRUCTION ORDER** DATE: August 17, 2007 TIME: 9:00 a.m. CTRM: Hon. James Ware

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The Court, having considered Plaintiff's Motion For Reconsideration Of Certain Claim Construction Terms Construed By The Court In Its Third Claim Construction Order And Its Fourth Claim Construction Order and Defendants' Opposition thereto, and finding good cause thereon, hereby GRANTS Plaintiff's motion.

The Court hereby reconsiders its constructions for the following claim terms of the Yurt patents and holds that the terms shall be construed as follows:

1. The phrase "transmission system" means "an assembly of elements capable of functioning together to transmit signal waves";
2. The phrase "receiving system" means "an assembly of elements capable of functioning together to receive transmitted signal waves";
3. The phrase "placing the formatted data into a sequence of addressable data blocks" means "placing the information into a sequence of addressable data blocks, such that the ordering of the data blocks permits the retrieval of portions of information from items. Addressable does not refer to physical storage locations, but rather to positions relative to the beginning of a file containing information, wherein the ordering of the data blocks and the positions relative to the beginning of a file are defined by relative time markers assigned to the data blocks";
4. In a distribution method in which a transmission system stores the information, the phrase "ordering the converted analog signals and the formatted digital signals into a sequence of addressable data blocks" means "in the transmission system placing the converted analog signals and the formatted digital signals into a sequence data of blocks, such that the ordering of the data blocks permits the retrieval of portions of information from items. Addressable does not refer to physical storage locations, but rather to positions relative to the beginning of a file containing information, wherein the ordering of the data blocks and the positions relative to the beginning of a file are defined by relative time markers assigned to the data blocks";

5. The phrase "storing items having information in a source material library" means "retaining physical items containing audio information or video information or both in a collection of original sources of information";

IT IS SO ORDERED.

DATED: ________________________ ____

United States District Judge

Presented by:

HENNIGAN, BENNETT & DORMAN LLP

/S/ Roderick G. Dorman

Roderick G. Dorman

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